

SUBCHAPTERS L AND M—[RESERVED] SUBCHAPTER N—PROCEDURES

Rules of Procedure Before the Office of General Counsel

PART 912—PROCEDURES TO ADJUDICATE CLAIMS FOR PERSONAL INJURY OR PROPERTY DAMAGE ARISING OUT OF THE OPERATION OF THE U.S. POSTAL SERVICE

Sec.

- 912.1 Claims responsibility.
- 912.2 Applicability of Federal Tort Claims Act.
- 912.3 Time limit for filing.
- 912.4 Place of filing.
- 912.5 Administrative claim; when presented.
- 912.6 Administrative claim; who may file.
- 912.7 Evidence and information to be submitted.
- 912.8 Sufficiency of evidence and information submitted.
- 912.9 Final denial of claim.
- 912.10 Action on approved claims.
- 912.11 Exclusiveness of remedy.
- 912.12 Review by legal officers.
- 912.13 Attorneys' fees.
- 912.14 Conclusiveness of remedy.

AUTHORITY: 28 U.S.C. 2671-2680; 28 CFR 14.1 through 14.11; 39 U.S.C. 409.

§912.1 Claims responsibility.

The General Counsel is responsible for settlement of claims made against the U.S. Postal Service under the Federal Tort Claims Act and 39 U.S.C. 2603, with authority to redelegate the functions to General Counsel staff members and other Postal Service employees.

[36 FR 12448, June 30, 1971]

§912.2 Applicability of Federal Tort Claims Act.

(a) The provisions of chapter 171 and all other provisions of title 28, U.S.C., relating to tort claims shall apply to tort claims arising out of the activities of the Postal Service. (39 U.S.C. 409(c)).

(b) Where the General Counsel, or his designee, finds a claim for damage to persons or property resulting from operation of the U.S. Postal Service to be a proper charge against the United States and it is not cognizable under 28

U.S.C. 2672, he may adjust and settle it under authority of 39 U.S.C. 2603.

[45 FR 43719, June 30, 1980]

§912.3 Time limit for filing.

(a) *Claim.* A claim under the Federal Tort Claims Act must be presented within two years from the date the claim accrues.

(b) *Suit.* Suit must be filed within six months after the date of mailing by certified or registered mail of notice of final denial of the claim by the Postal Service.

[45 FR 43720, June 30, 1980]

§912.4 Place of filing.

A claim is usually filed with the postmaster of the office within the delivery limits of where the accident happened, but may be filed at any office of the Postal Service, or sent directly to the Assistant General Counsel, Claims Division, U.S. Postal Service, Washington, DC 20260.

[45 FR 43720, June 30, 1980]

§912.5 Administrative claim; when presented.

(a) For purposes of this part, a claim shall be deemed to have been presented when the U.S. Postal Service receives from a claimant, his duly authorized agent or legal representative, an executed Standard Form 95, Claim for Damage or Injury, or other written notification of an incident, accompanied by a claim for money damages in a sum certain for injury to or loss of property, personal injury, or death alleged to have occurred by reason of the incident. Standard Form 95 may be obtained from postmaster, postal inspectors, or other local Postal Service establishments.

(b) A claim presented in compliance with paragraph (a) of this section may be amended by the claimant at any time prior to final Postal Service action or prior to the exercise of the claimant's option under 28 U.S.C. 2675(a). A claim may not be amended